

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER LEE HARRIS,	)	
	)	Civil Action No. 17 – 610
Petitioner,	)	
	)	
v.	)	District Judge Arthur J. Schwab
	)	Magistrate Judge Lisa Pupo Lenihan
ROBERT GILMORE, <i>Superintendent</i> ,	)	
<i>SCI-Greene</i> , THE DISTRICT	)	
ATTORNEY OF THE COUNTY OF	)	
ALLEGHENY and THE ATTORNEY	)	
GENERAL OF THE STATE OF	)	
PENNSYLVANIA,	)	
	)	
Respondents.	)	
	)	

**MEMORANDUM ORDER**

Pending before the Court is a Petition for Writ of Habeas Corpus filed by Petitioner Christopher Lee Harris (“Petitioner”) on June 27, 2017, wherein he challenges his judgment of sentence out of Allegheny County after a jury convicted him of third degree murder on February 1, 2012. (ECF No. 5.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

On June 5, 2018, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that the Petition for Writ of Habeas Corpus be denied and that a Certificate of Appealability also be denied. (ECF No. 40.) The R&R was served on the parties and Petitioner filed timely written objections on June 21, 2018. (ECF No. 41.) In resolving a party’s objections, the Court conducts a *de novo* review of any part of the R&R that has been properly

objected to. Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1). The Court may accept, reject, or modify the recommended disposition, as well as receive further evidence or return the matter to the magistrate judge with instructions. *Id.*

After careful *de novo* review, the following Order is now entered.

**AND NOW**, this 22<sup>nd</sup> day of June, 2018;

**IT IS HEREBY ORDERED** that the R&R of the Magistrate Judge (ECF No. 40) is adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (ECF No. 5) is denied.

**IT IS FURTHER ORDERED** a Certificate of Appealability is denied.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Petitioner has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



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Arthur J. Schwab  
United States District Judge

cc: Christopher Lee Harris  
KM-9238  
SCI Greene  
175 Progress Drive  
Waynesburg, PA 15370

Counsel for Respondent  
(Via CM/ECF electronic mail)